IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

RP. No. 687 of 2007(W)

AGAINST THE JUDGEMENT/ORDER IN OP.8804/2000
Dated 13/06/2007
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PETITIONERS/ADDL.RESPONDENTS 3 TO 6:
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1. **KERALA MOTOR VEHICLES DEPARTMENT STAFF ASSOCIATION, REPRESENTED BY ITS SECRETARY, SRI.B.VENUGOPALAN, 'VAISALI', PUTHUKANAM, VADAKARA.**

2. **P. RAJENDRAN, SENIOR SUPERINTENDENT, OFFICE OF THE TRANSPORT COMMISSIONER, THIRUVANANTHAPURAM.**

3. **K. SREEKUMARAN NAIR, JUNIOR SUPERINTENDENT, R.T.O. OFFICE, THIRUVANANTHAPURAM.**

4. **T.R. MOHANAN, HEAD CLERK, SUB R.T.O. OFFICE, NORTH PARAVOOR, ERNAKULAM DISTRICT.**

BY ADV. SRI. ELVIN PETER P.J.
SRI. S. RAMESH
SRI. T. NAVEEN

RESPONDENTS/PETITIONERS & RESPONDENTS 1 & 2:
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1. **THE KERALA MOTOR VEHICLES DEPARTMENT GAZETTED OFFICERS' ASSOCIATION, REPRESENTED BY ITS SECRETARY, KAITHAPADATH BUILDINGS, GROUND FLOOR, EDAPPALLY, ERNAKULAM, APPROVED BY GOVERNMENT AS PER G.O(MS) NO.10/PD DT.7-1-1969 NO.95/1969.**

2. **C. RADHAKRISHNAN, MOTOR VEHICLE INSPECTOR SUB R.T.O.OFFICE, CHANGANACHERRY.**

3. **N.M. SUKUMARAN, MOTOR VEHICLE INSPECTOR, R.T.OFFICE, ERNAKULAM.**

4. **K.R. SATHEES BABU, MOTOR VEHICLE INSPECTOR, ALAPPUZHA.**

5. **P.A. SAINUDEEN, MOTOR VEHICLE INSPECTOR, SUB R.T.O. OFFICE, MATTANCHERRY.**

6. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

7. **SMT. R. INDIRA, SENIOR SUPERINTENDENT, OFFICE OF THE TRANSPORT COMMISSIONER, THIRUVANANTHAPURAM.**

(RESPONDENT NO. 7 DELETED FROM THE PARTY ARRAY AS PER ORDER IN I.A. NO. 443/2007 DATED 02.08.2007)

BY GOVERNMENT PLEADER SRI. V.T. K. MOHANAN for R1.
SRI. J. JULIAN XAVIER for R2 to R5.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

T.R. RAMACHANDRAN NAIR, J.

Review Petition NO. 687 OF 2007
IN
O.P. NO. 8804 OF 2000

Dated this the 2nd day of August, 2007.

O R D E R

The petitioners in the review petition are additional respondents 3 to 6 in the original petition. The original petition was filed by respondents 1 to 5 herein challenging the Note and Proviso to Category 4 Rule 3(a) of the Kerala Transport Service Special Rules. The original petition was disposed of by judgment dated 13.06.2007 directing the Government to take a decision for finalising the draft Rules produced as Exhibit P4 within a period of three months from the date of receipt of a copy of the judgment.

2. In the review petition it is pointed out that, challenging the very same provision there were number of writ petitions as W.P.(C)Nos.34726/2004, 22997/2004, 15660/2006, 25834/2005 and 20472/2004 which are pending before this Court. In W.P. (C) No. 20472/2004 learned Single Judge of this Court had passed an interim order dated 27.01.2005 (Annexure A1) wherein a direction was issued to finalise the Special Rules within

a period of three months from date of the order. The same was challenged in Writ Appeal No. 630/2005 and as per Annexure A2 order dated 22.03.2005, Annexure A1 order was stayed. The Writ Appeal was finally heard and was disposed of by judgment dated 15.06.2005. Annexure A3 is the judgment in the Writ Appeal. The Lordships were pleased to pass an order directing to maintain the interim order dated 22.03.2005 till the disposal of the writ petition.

3. When the judgment in O.P. 8804/2000 was pronounced, none of the above materials were brought to my notice. In the light of Annexure A3 judgment in Writ Appeal No. 630/2005 at this stage no direction can be issued to the Government to take a decision on the draft Special Rules, as rightly pointed out by the learned counsel for the review petitioners.

Therefore, the review petition is allowed and the judgment in O.P. 8804/2000 is recalled. As per I.A. No. 443/2007, the review petitioners have sought for a direction to delete the seventh respondent from the party array in this review petition. The same is allowed.

Post the Original Petition for further hearing along with W.P(C) Nos. 34726/2004, 20472/2004 and other connected cases.

T.R. RAMACHANDRAN NAIR
JUDGE.

smp